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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			HERRERA, DIEGO D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,689	Applicant(s) TRAP, FLEMMING	
	Examiner DIEGO HERRERA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see page 8 of arguments/ remarks, filed 12/22/2008, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Doss et al. and Tsou et la..

Response to Amendment

Specification

Specification has been amended hyperlink is been corrected.

Claims

Claims 21-23 have been added as new claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102 (e) as being anticipated by Doss et al. (US 20030046296 A1).

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Regarding claim 1. Doss et al. discloses a mobile communications terminal (§: 48, Doss et al. teaches computing device being able to connect to server using a wired connection, or a wireless connection, hence, a mobile communications terminal), comprising:

means responsive to the commencement of an activity or the running of an application for adjusting an availability setting (§: 14-17, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the dynamic contact information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting), and

means for reporting the adjusted availability setting to or via a network (fig. 2, §: 43-48, Doss et al. teaches wireless network that is applied to adjust the availability to a network).

Regarding claim 11. Doss et al. discloses a method of setting an availability setting relating to a mobile communications terminal, the method comprising:

detecting the commencement of an activity or the running of an application (§ 55-59, Doss et al. teaches detecting times and running applications due to settings set by user automatically); and in response to a detection:

adjusting an availability setting (§: 14-17, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the

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dynamic contact information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting); and reporting the adjusted availability setting to or via a network (fig. 2, ¶: 43-48, Doss et al. teaches wireless network that is applied to adjust the availability to a network).

Regarding claim 21. Doss et al. discloses an apparatus comprising:

a processor configured to:

adjust an availability setting in commencement of an activity or a running of an application (¶: 14-17, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the dynamic contact information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting); and report the adjusted availability setting to or via a network (fig. 2, ¶: 43-48, Doss et al. teaches wireless network that is applied to adjust the availability to a network).

Consider claim 2. A terminal as claimed in claim 1, in which the adjusting means is arranged to adjust the availability setting depending on the identity of the application or the activity (¶: 14-17, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the dynamic contact information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting).

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Consider claim 3. A terminal as claimed in claim 2, in which the availability setting associated with at least one application or activity is user definable (¶: 14-17, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the dynamic contact information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting).

Consider claim 4. A terminal as claimed in claim 1, wherein the adjusting means is arranged to adjust the availability setting depending on a selected operating profile of the terminal (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches means to adjust availability setting on terminal according to activity).

Consider claim 5. A terminal as claimed in claimed 4, in which the availability setting associated with at least one operating profile is user definable (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches user definable settings associated with availability settings).

Consider claim 6. A terminal as claimed in claim 2, in which the adjusting means is arranged to adjust the availability setting to the highest one of a setting associated with the run application or the commenced activity and a setting associated with the selected operating profile (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches user definable settings associated with availability settings).

Consider claim 7. A terminal as claimed in claim 1, in which the adjusting means is responsive to the ending of the activity or the ceasing of the running of the application to

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restore the availability setting to its previous setting (fig. 5; ¶: 55-60, Doss et al. teaches making determination whether availability of application will revert to another setting).

Consider claim 8. A terminal as claimed in claim 1, comprising means for allowing a user to define a different availability setting for a predetermined network user or a group of network users to a setting associated with other users (fig. 5, 12; ¶: 14-18, 55-63, Doss et al. teaches different settings that are define by user to update status for buddy lists).

Consider claim 9. A terminal as claimed in claim 1, comprising means for queuing one or more communications received in contravention of an availability setting without revealing the one or more communications to the user (¶: 21, 51-54, Doss et al. teaches displaying information of people, groups, and their statuses, storage means for accessing them is available).

Consider claim 10. A terminal as claimed in claim 1, comprising means responsive to the receipt of a communication in contravention of an availability setting for automatically sending a reply (¶: 21, 51-54, Doss et al. teaches displaying information of people, groups, and their statuses, storage means for accessing them is available).

Consider claim 12. Method as claimed in claim 11, in which the adjusting step includes adjusting the availability setting depending on the identity of the application or the activity (¶: 14-17, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the dynamic contact

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information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting).

Consider claim 13. A method as claimed in claim 12, in which the availability setting associated with at least one application or activity is user definable (¶: 14-21, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the dynamic contact information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting).

Consider claim 14. A method as claimed in claim 11, in which the adjusting step includes adjusting the availability setting depending on a selected operating profile of the terminal (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches means to adjust availability setting on terminal according to activity).

Consider claim 15. A method as claimed in claim 14, in which the availability setting associated with at least operating profile is user definable (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches user definable settings associated with availability settings).

Consider claim 16. A method as claimed in claim 12, in which the adjusting step comprises adjusting the availability setting to the highest one of a setting associated with the one application or the commenced activity and a setting associated with the selected operating profile (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches user definable settings associated with availability settings).

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Consider claim 17. A method as claimed in claim 11, comprising detecting the ending of the activity or the ceasing of the running of the application, and in response to a detection restoring the availability setting to its previous setting (fig. 5; ¶: 55-60, Doss et al. teaches making determination whether availability of application will revert to another setting).

Consider claim 18. A method as claimed in claim 11, comprising allowing a user to define a different availability setting for a predetermined network user or a group of network users to a setting associated with other users (fig. 5, 12; ¶: 14-18, 55-63, Doss et al. teaches different settings that are define by user to update status for buddy lists).

Consider claim 19. A method claimed in claim 11, comprising queuing one or more communications received in contravention of an availability setting without revealing the one or more communications to the user (¶: 21, 51-54, Doss et al. teaches displaying information of people, groups, and their statuses, storage means for accessing them is available).

Consider claim 20. A method as claimed in claim 11, comprising automatically sending in response to the receipt of a communication in contravention of an availability setting a reply communication (¶: 21, 51-54, Doss et al. teaches displaying information of people, groups, and their statuses, storage means for accessing them is available).

Consider claim 22. The apparatus as claimed in claim 21, wherein the processor is further configured to adjust the availability setting depending upon a selected operating profile of the apparatus (fig. 5; ¶: 43-49, Doss et al. teaches apparatus with processor for uploading information to server of network about availability settings).

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Consider claim 23. The apparatus as claimed in claim 21, further comprising that the processor is configured to allow a user to define a different availability setting for a predetermined network user or a group of network users to a setting associated with other users (fig. 5, 12; ¶: 14-18, 55-63, Doss et al. teaches different settings that are define by user to update status for buddy lists).

Examiner notes

Method claims 11-20 are statutory since the last limitation states, "reporting the adjusted availability setting to or via a network," hence, the need of a transceiver apparatus to report to network the adjusted availability setting.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617